

RECLAMATION

Managing Water in the West

Final Supplemental Environmental Assessment and Finding of No Significant Impact for the

Agreement for the Reimbursement of Deep Well Pumping Costs on the Gray Lodge Wildlife Area between the United States and the State of California



U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Regional Office
Sacramento, CA

January 2008

FINDING OF NO SIGNIFICANT IMPACT

Agreement for the Reimbursement of Deep Well Pumping Costs on the Gray Lodge Wildlife Area between the United States and the State of California

U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Sacramento, California

Recommended:

Jimmy DeLambric
Environmental Specialist

Date: 1/17/08

Recommended:

Sonya S. Mechanick
Refuge Water Conveyance Program Manager

Date: 1/22/2008

Recommended:

Tracy Han
Branch Chief

Date: 1/22/2008

Approved:

John J. Woolley
Regional Resources Manager

Date: 1/22/2008

FONSI No.

08-1-MP



U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Regional Office
Sacramento, CA

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The proposed action by the United States Bureau of Reclamation (Reclamation) is to extend the performance period for the *Agreement for the Reimbursement of Deep Well Pumping Costs on the Gray Lodge Wildlife Area Between the United States and the State of California* No. 05-WC-20-2903, DFG No. R042001, executed on December 20, 2004 (Reimbursement Agreement 2004), for an additional and final twelve months beginning March 1, 2008 through February 28, 2009 .

In accordance with the National Environmental Policy Act of 1969, as amended, and the Council on Environmental Quality's Regulations for Implementing the procedural provisions of NEPA (40 CFR Parts 1500-1508), Reclamation's Mid-Pacific Regional Office has found that the proposed action would not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not required.

FINDINGS

Reclamation has prepared a supplemental environmental assessment (SEA)(see attached) which analyzes the impacts of the proposed action. Based on the analysis in the SEA, Reclamation has found that extending the performance period for Reimbursement Agreement 2004 for an additional and final twelve months would not result in significant impacts to the environment.

This Finding of No Significant Impact is based upon the following:

1. Surface water use would not change as a result of the proposed action. There would not be increases or decreases in delivery of surface water to the Gray Lodge Wildlife Area (Refuge). Surface water resources would not be overburdened as a result of the proposed action.
2. Groundwater water use would remain the same as the past four years. There would not be an increase in the amount of groundwater pumping on the Refuge. Pumping groundwater would not overburden the resource or other water users.
3. The proposed action would have no effect on any federally listed threatened or endangered species or their critical habitat. Using groundwater on the Refuge augments management of habitat and food for migrating waterfowl and other species.
4. This action has no potential to affect historic properties [36 CFR Part 800.3 (a)1)]. Construction is not proposed and new lands would not receive the water. Therefore, the proposed action would not affect cultural resources.
5. The proposed action would not affect any Indian Trust Assets (ITA). The proposed action would not result in any ground breaking activities affecting any Indian reservations, rancherias or other legal interests held in trust by the United States for the benefit of Indian Tribes or individual Indians.
6. The proposed action would not disproportionately affect minorities or low-income populations and communities because there would be no change in land management. There would not be significant adverse impacts to human health or environmental effects associated with a reimbursement agreement for Refuge groundwater supply.

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List of Acronyms, Abbreviations, and Definition of Terms

EA	Environmental Assessment
DFG	California Department of Fish and Game
FWCA	Fish and Wildlife Coordination Act
Refuge	Gray Lodge Wildlife Area
ITA	Indian Trust Assets
NRHP	National Register of Historic Places
Reclamation	Bureau of Reclamation
SEA	Supplemental Environmental Assessment

Section 1 Purpose and Need for Action

1.1 Introduction

Reclamation proposes to extend the performance period for the *Agreement for the Reimbursement of Deep Well Pumping Costs on the Gray Lodge Wildlife Area Between the United States and the State of California*, No. 05-WC-20-2903, DFG No. R0420012, executed on December 20, 2004 (Reimbursement Agreement 2004) for an additional twelve months beginning March 1, 2008 through February 28, 2009. Article 1(b) of the Reimbursement Agreement 2004 provides the option to extend the performance period by formal amendment for a maximum of four consecutive 12-month periods. The State of California Department of Fish and Game (DFG) has requested to exercise the fourth and final 12-month extension option.

This document serves to supplement the Environmental Assessment and Finding of No Significant Impact of May 2003 (2003 EA) for the Reimbursement Agreement 2004, and to examine the effects of the twelve month extension beginning March 1, 2008 through February 28, 2009. A reimbursement agreement has been successfully implemented between the parties since 2003. Under this extension, the Bureau of Reclamation (Reclamation) would continue to reimburse DFG for those approved costs associated with deep well pumping to provide groundwater supplies to Gray Lodge Wildlife Area (Refuge) for the purpose of supplementing Central Valley Project (Project) Level 2 surface water deliveries to the boundary of the Refuge, thereby meeting the full Level 2 allocation. This twelve-month extension is necessary for Reclamation to continue meeting its obligation of supplying full Level 2 water to the Refuge through February 28, 2009, at which time a new reimbursement agreement is expected to be in place.

1.2 Background

The Secretary of the Interior through the Bureau of Reclamation is mandated under the Central Valley Project Improvement Act (CVPIA), Title XXXIV, Public Law 102-575, Section 3406(d)(1)(2) and (5) to provide water supplies to certain refuges within the Central Valley, including Gray Lodge Wildlife Area. Reclamation entered into a long-term conveyance and facilities construction cooperative agreement with Biggs-West Gridley Water District (District), No. 03-FC-20-2049 (Cooperative Agreement) in September 2003 for the purpose of conveying surface water supplies to the Refuge boundary. The Cooperative Agreement also provides for District facilities improvements and construction to increase its capacity, due to current limited capacity which does not allow for conveyance of full Project Level 2 surface water supplies to the Refuge boundary.

In September 2003, Reclamation and DFG signed the *Agreement for the Reimbursement of Deep Well Pumping Costs on the Gray Lodge Wildlife Area Between the United States and the State of California*, No. 03-WC-20-2601, (Reimbursement Agreement 2003) establishing the terms and conditions for Reclamation to reimburse DFG for costs associated with pumping groundwater

supplies on the Refuge for the purpose of supplementing reduced Project Level 2 surface water deliveries to the Refuge boundary. The Reimbursement Agreement 2003 performance period was retroactive to May 2003 continuing through February 29, 2004, and included the option for the performance period to be extended a maximum of four successive twelve month periods, through formal amendment. However, the Reimbursement Agreement 2003 terminated prior to Reclamation initiating the process for the first twelve month renewal amendment. Thus, it became necessary to execute the new Reimbursement Agreement 2004.

Reimbursement Agreement 2004 was retroactive to the beginning of contract Water Year 2004 (WY04), from March 1, 2004, continuing through February 28, 2005, carrying forth the same basic terms of the Reimbursement Agreement 2003, and allowed for the performance period to be extended a maximum of four successive twelve month periods. The renewals of the Reimbursement Agreement 2004 were duly exercised in 2005, 2006, and 2007, with the final twelve month extension period option remaining. DFG has requested to exercise the fourth and final 12-month extension option. However, the 2003 EA prepared for the initial term of Reimbursement Agreement 2003 covers four twelve month extensions concluding in April 2008.

Therefore, the federal action of extending the existing agreement for WY08 (March 1, 2008, through February 28, 2009) was not analyzed in the 2003 EA. The 2003 EA will be supplemented to include the additional year extension (covering 2008-2009) as set forth in the Reimbursement Agreement 2004.

1.3 Purpose and Need

Under the proposed twelve month extension, Reclamation would continue to reimburse DFG for those approved costs associated with deep well pumping to provide groundwater supplies to the Refuge supplementing Project Level 2 surface water deliveries to the boundary of the Refuge up to the full Level 2 allocation as mandated under CVPIA. This extension is necessary to continue providing full Level 2 water supplies to the Refuge until a new reimbursement agreement is executed.

1.4 Potential Resource Issues

- Surface Water Resources
- Groundwater Resources
- Land Use
- Biological Resources
- Cultural Resources
- Indian Trust Assets
- Socioeconomic Resources
- Environmental Justice

Section 2 Alternatives Including Proposed Action

2.1 Alternative A – No Action

Reclamation would not extend the Reimbursement Agreement 2004 between Reclamation and DFG for reimbursement of costs associated with groundwater pumping to supplement reduced Project Level 2 surface water supplies during the period of March 1, 2008 through February 28, 2009. Under this alternative, Reclamation would not meet its obligations under CVPIA Section 3406(d)(1). DFG would potentially have to reduce Level 2 water use at the Refuge up to 13,000 acre feet in WY08.

2.2 Alternative B - Proposed Action

Reclamation would renew the Reimbursement Agreement 2004 for a final twelve month period extending the term date through February 28, 2009. This extension would allow Reclamation to meet its obligations under Section 3406(d)(1) of the CVPIA by providing groundwater supplies at the Refuge in an amount up to 13,000 acre-feet. The groundwater would supplement reduced Project Level 2 surface water deliveries. DFG would be reimbursed for their pumping costs. These costs include, but are not limited to:

- Well rehabilitation and upgrade costs;
- Well pump repair costs;
- Well levels monitoring costs;
- Power costs;
- Indirect costs.

Section 3 Affected Environment & Environmental Consequences

The affected environment for the No Action and Proposed Action alternatives is the same as identified in the May 2003 EA and is hereby incorporated by reference.

3.1 Environmental Consequences

3.1.1 Surface Water Resources

No Action

Under the No Action alternative, Reclamation would not extend the Reimbursement Agreement 2004, which would cover reimbursement of costs associated with pumping groundwater supplies to supplement reduced Project Level 2 surface water deliveries to the Refuge boundary during the period of March 1, 2008 through February 28, 2009. Surface water resources would be utilized in the same manner as existing conditions, being the delivery of surface water supplies from the District. The surface water is used to maintain ponds and seasonal marshes, and to irrigate seasonal wetlands and uplands to provide cover, nesting and foraging for both resident and migratory wildlife.

Proposed Action

Under the Proposed Action, Reclamation would extend Reimbursement Agreement 2004 for a final twelve month period beginning March 1, 2008, and terminating February 28, 2009. This extension would not change the use of surface water on the Refuge, and would maintain consistency in the amount of CVPIA Level 2 water that is delivered to the Refuge.

Cumulative Effects

Extension of the Reimbursement Agreement 2004 has no cumulative impacts to surface water resources. Surface water usage would not increase or decrease, nor would it be utilized differently than current management practices.

3.1.2 Groundwater Resources

No Action

Under the No Action alternative, Reclamation would not extend the Reimbursement Agreement 2004 which would cover reimbursement of costs associated with pumping groundwater supplies to supplement reduced Project Level 2 surface water deliveries to the Refuge boundary during the period of March 1, 2008, through February 28, 2009. Groundwater resources which are reimbursed by Reclamation would not be utilized to fulfill CVPIA Level 2 water supply deliveries to the Refuge.

Proposed Action

The extension of Reimbursement Agreement 2004 would allow the Refuge to continue to receive groundwater supplies supplementing reduced Project Level 2 surface deliveries up to full CVPIA

Level 2 amounts for an additional year, beginning March 1, 2008 and terminating February 28, 2009. Groundwater resources would be utilized in the same manner as described in the 2003 EA. See *Table 1* below. DFG would continue groundwater pumping at relatively the same levels as that of the last several years and would not exceed 13,000 acre feet, during this final extension period, and therefore, this action would have no adverse impact to groundwater resources.

Cumulative Effects

The extension of the Reimbursement Agreement 2004 would contribute minimally to cumulative impacts to groundwater resources. The only change to the project as described in the 2003 EA is a twelve month extension period, and therefore, additional impacts to groundwater resources would be an additional year of pumping groundwater at an amount of up to 13,000 acre feet. Groundwater pumping at the Refuge under Reimbursement Agreement 2003 and Reimbursement Agreement 2004 has occurred since 2003. The following table summarizes acre feet of groundwater pumped per year from WY2003 through WY2006. Annual groundwater pumped at the Refuge during WY2003 through WY2006 has been less than 13,000 acre feet each year.

Groundwater Pumping at Gray Lodge Wildlife Area

Month	WY2003	WY2004	WY2005	WY2006	Total
March	68	38	48	0	154
April	578	4	817	72	1,471
May	860	124	160	606	1,750
June	1258	545	991	510	3,304
July	1452	353	859	863	3,527
August	1234	463	811	1153	3,661
September	1329	977	2351	1555	6,212
October	4255	1962	2374	930	9,521
November	235	623	538	201	1,597
December	41	147	227	115	530
January	24	163	101	15	303
February	223	0	341	0	564
TOTAL	11,557	5,399	**9,618	6,020	32,594

Table 1. Gray Lodge WA Groundwater Pumping

** While 6,487 acre feet of ground water was scheduled for WY2005, more water was needed to meet the climatic conditions to maintain adequate habitat for wildlife; this additional water (both surface deliveries and pumped) resulted in 5,276 acre feet over the CVPIA Level 2 allocation. This exceedance of Project Level 2 was considered to be pumped groundwater [9,618(total pumped) - 4,342(groundwater to supplement to full Project Level 2 amount) = 5,276(Incremental Level 4)] and was attributed to CVPIA Incremental Level 4 water supplies. DFG assumed the pumping costs for the 5,276 acre feet for Incremental Level 4.

3.1.3 Land use

No Action

Under the No Action alternative, the Reimbursement Agreement 2004 would not be extended for a final twelve month period. Land use could potentially change since the No Action Alternative would result in Reclamation failing to meet its obligation of providing full Level 2 water

supplies under CVPIA, thus leaving the Refuge with inadequate water supplies and potential loss of wildlife habitat.

Proposed Action

The Proposed Action would not change land use conditions from existing conditions. A twelve month extension to the Reimbursement Agreement 2004 would merely maintain current conditions and those described in the 2003 EA.

Cumulative Effects

As land use conditions would not change from existing conditions, there are no cumulative effects. An extension of the Reimbursement Agreement 2004 would ensure reliable full CVPIA Level 2 water supplies to the Refuge for another twelve months (March 2008-February 2009).

3.1.4 Biological Resources

No Action

Under the No Action alternative, the Reimbursement Agreement 2004 would not be extended past February 29, 2008. Biological resources could potentially be affected since the No Action Alternative would result in Reclamation failing to meet its obligation of providing full Level 2 water supplies under CVPIA, thus leaving the Refuge with inadequate water supplies and potential loss of wildlife habitat. This would result in smaller quantities and quality of food, water and cover for both migratory and resident wildlife species, which may negatively impact both state and federally listed species.

Proposed Action

The proposed action of extending the Reimbursement Agreement 2004 would allow for reimbursement of continued pumping of groundwater to supplement reduced Project Level 2 surface water deliveries to the Refuge, providing water for proper management of the various habitats (permanent/seasonal wetlands and uplands) to meet/ provide for food, water and cover for both migratory and resident wildlife species while meeting Reclamation's obligations under CVPIA. The proposed action would not alter any current management strategies. Therefore, the proposed action would have no adverse impacts on special-status plants, fish or wildlife resources. There would be no effect to federally listed species as a result of this action.

Cumulative Effects

There would not be changes affecting use of water within the Refuge boundaries, therefore, the extension of the Reimbursement Agreement 2004 would not contribute to cumulative impacts on biological resources.

3.1.5 Cultural Resources

No Action

Under the No Action Alternative, there would be no impacts to cultural resources as modifications to existing facilities and new facilities are not proposed and would not be constructed under the Reimbursement Agreement 2004. There would be no potential to affect historic properties.

Proposed Action

Extension of the Reimbursement Agreement 2004 is not the type of activity with the potential to impact cultural resources eligible to the National Register of Historic Places (NRHP).

Cumulative Effects

As the Proposed Action does not have the potential to impact cultural resources eligible to the NRHP, amendment for a twelve month extension would not contribute to cumulative effects.

3.1.6 Indian Trust Assets

No Action

Conditions would remain the same as existing conditions under the No Action Alternative; therefore, there would be no impacts to Indian Trust Assets (ITAs).

Proposed Action

There are no Indian Trust Assets affected by this action. This action would have no adverse impacts on Indian trust assets.

Cumulative Effects

The Proposed Action when added with other past, present and future actions would not contribute to cumulative effects to ITAs.

3.2 Socioeconomic Resources

3.2.1 Socioeconomic Resources

No Action

Socioeconomic conditions under this alternative would not change. No additional impacts are associated with this alternative.

Proposed Action

Approval of the extension of the Reimbursement Agreement 2004 for an additional twelve months would not induce population growth, nor would seasonal labor requirements change. No adverse impacts to public health and safety would occur.

Cumulative Effects

As the Proposed Action does not have the potential to impact socioeconomic resources, approval of the extension of the Reimbursement Agreement 2004 for an additional twelve months would not contribute to cumulative effects.

3.2.2 Environmental Justice

No Action

The No Action Alternative would have no impact on environmental justice.

Proposed Action

The Proposed Action would not disproportionately impact economically disadvantaged or minority populations. No impacts relevant to Environmental Justice are anticipated because the proposed action does not include any construction or development, or any change in operations that would affect the general public.

Cumulative Effects

The Proposed Action would not have cumulative effects on minority or disadvantaged populations in conjunction with other activities.

Section 4 Consultation and Coordination

While no impacts to endangered species or to historic/cultural resources have been indicated by the Proposed Action, consultation and coordination was conducted with the agencies and mandates considered below.

4.1 Fish and Wildlife Coordination Act (16 USC . 651 et seq.)

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources. The Proposed Action does not involve construction or new diversions of water. No consultation is required.

4.2 Endangered Species Act (16 USC. 1521 et seq.)

Section 7 of this Act requires Federal agencies to ensure that all federally associated activities within the United States do not jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of the critical habitat of these species. Action agencies must consult with the U.S. Fish and Wildlife Service, which maintains current lists of species that have been designated as threatened or endangered, to determine the potential impacts a project may have on protected species.

Reclamation determined that the Proposed Action would have no effect on federally proposed or listed threatened and endangered species or their proposed or designated critical habitat. No further consultation is required under Section 7 of the Endangered Species Act.

4.3 National Historic Preservation Act (15 USC 470 et seq.)

Section 106 of the National Historic Preservation Act requires federal agencies to evaluate the effects of federal undertakings on historical, archaeological and cultural resources. Due to the nature of the Proposed Action, there would be no impacts to any historical, archaeological or cultural resources, and no further compliance actions are required.

Section 5 List of Preparers and Reviewers

Tamara LaFramboise, Natural Resource Specialist, Mid-Pacific Region

Patrick Welch, Archaeologist, Mid-Pacific Region

Patricia Rivera, Indian Trust Representative, Mid-Pacific Region

Sonya Nechanicky, Refuge Water Conveyance Program Manager, Mid-Pacific Region

Section 6 References

Reclamation 2003. *Environmental Assessment for Agreement of the Reimbursement of Deep Well Pumping Costs on the Gray Lodge Wildlife Area Between the United States and the State of California*. May 2003.

Reclamation 2001. Final NEPA Environmental Assessment and CEQA Initial Study Refuge Water Supply Long-Term Water Supply Agreements, Sacramento River Basin. January 2001.

Section 7 Appendix A

Tamara LAFRAMBOISE - Re: Gray lodge Supplemental EA

From: Patricia Rivera
To: LAFRAMBOISE, Tamara
Date: 11/28/2007 9:28:51 AM
Subject: Re: Gray lodge Supplemental EA

Tammy,

I have reviewed the proposed action to extend the 2004 Agreement (No. 05-WC-20-2903) to reimburse California Department of Fish and Game (DFG) for groundwater pumping to include Water Year 2008. This document serves to supplement the 2003 EA and to examine the effects of the twelve month extension beginning March 1, 2008 through February 28, 2009. A reimbursement agreement has been successfully implemented between the parties since 2003. Under the extension, Reclamation would be able to reimburse the DFG for deep well pumping costs used to provide water as mandated by the Central Valley Project Improvement Act (CVPIA), Title XXXIV, Public Law 102-575. This twelve-month extension is necessary to continue supplying water to Gray Lodge Wildlife Area (GWA) until new water supply agreements are executed. I concur the proposed action does not affect Indian Trust Assets. The nearest ITA to the proposed site is approximately 8 miles WSW Colusa Rancheria.

Patricia

>>> Tamara LAFRAMBOISE 11/27/2007 11:11 AM >>>
 Patricia,
 The information you requested.
 Tammy

Tammy LaFramboise
 Natural Resource Specialist
 Bureau of Reclamation
 Mid-Pacific Region-410
 916-978-5269
tlaframboise@mp.usbr.gov

>>> Patricia Rivera 11/27 10:57 AM >>>
 Tammy,

Please resend your request and attach the form I am affixing to this message. Also, ensure that the form is sent with your original request to me and to Diane Williams.

Thanks

>>> Tamara LAFRAMBOISE 11/27/2007 10:40:34 AM >>>
 Patricia and Pat:

I am requesting your review of the ITA and cultural resource sections of this **supplemental** EA. The action is merely a years extension to the existing agreement between Reclamation and DFG.

Tamara LAFRAMBOISE - Re: Gray lodge Supplemental EA

From: Patrick Welch
To: Tamara LAFRAMBOISE
Date: 11/27/2007 1:17:05 PM
Subject: Re: Gray lodge Supplemental EA
CC: MP153

Tammy:

I have reviewed the succinct section on cultural resources. I agree with the language, that there is no potential to affect historic properties. I have, however, changed some of the verbiage in section 4.3.

See attached version,
Patrick

>>> Tamara LAFRAMBOISE 11/27/2007 10:40 AM >>>
Patricia and Pat:

I am requesting your review of the ITA and cultural resource sections of this **supplemental** EA. The action is merely a years extension to the existing agreement between Reclamation and DFG.

If you could review and provide any comments by COB Friday, November 30, 2007.

This is a preliminary draft and I don't anticipate much more information to be added.

Let me know if you need any more information.

Cost Authority: H37-0214-2045-000-00-0-0

Thanks
Tammy